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UNITED STATES GYPSUM COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES GYPSUM COMPANY,  
  
Plaintiff,  
  
vs.  
  
PACIFIC AWARD METALS, INC.,  
  
Defendant.

) Case No. C04-04941 JSW  
)  
) **THE PARTIES' JOINT STIPULATION AND**  
) **MOTION TO EXTEND THE DATE FOR**  
) **THE CLOSE OF FACT DISCOVERY**  
) **UNTIL JANUARY 31, 2006; [PROPOSED]**  
) **ORDER**  
)  
)  
)

**STIPULATION AND MOTION**

Pursuant to this joint stipulation and motion, Plaintiff United States Gypsum Company and Defendant Pacific Award Metals, Inc., through counsel, hereby respectfully request that this Court extend the date for the close of fact discovery in this case by approximately three weeks, from January

9, 2006 to January 31, 2006, to allow for the orderly completion of fact discovery in this matter. This requested extension will not require any change in the subsequent trial schedule in this matter as set by the Court.


This matter is currently scheduled for trial on August 7, 2006. Expert reports on the issues for which the party bears the burden of proof are due on February 17, 2006. Final Invalidity Contentions of Defendant are to be served on December 28, 2005, and the fact discovery cut-off date is currently January 9, 2006. The parties have completed supplementation of discovery disclosures and are now in the process of scheduling and taking about 20 depositions.

In view of the intervening Holidays and the recent claim construction ruling, the parties' respectfully request that the Court grant an extension of approximately three weeks, to January 31, 2006, for the fact discovery cut-off only, in order that the parties may complete fact discovery in an agreed and orderly fashion. This short extension of fact discovery will not require any other changes in the current trial schedule set by the Court.

WHEREFORE, the parties respectfully request an extension of the fact discovery cut-off to January 31, 2006, to allow the completion of fact discovery.


DATED: December 19, 2005

HOWREY LLP

  
Benjamin K. Riley  
Attorneys for Plaintiff  
UNITED STATES GYPSUM COMPANY

DATED: December 19, 2005

HELLER EHRMAN WHITE & MCAULIFFE

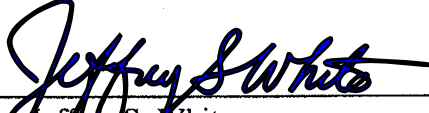
  
M. Patricia Thayer  
Attorneys for Defendant  
PACIFIC AWARD METALS, INC.

~~(PROPOSED)~~ ORDER

Based on the foregoing Joint Stipulation and Motion, and good cause appearing therefore,

The Court Hereby Extends the fact discovery cut-off to and including January 31, 2006. All other pre-trial and trial dates set by this Court shall remain the same.

Dated: December 20, 2005

  
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Hon. Jeffrey S. White  
United States District Court Judge